



## State Election Board

2/22/2024

### VIA USPS MAIL

Fulton County Board of Elections  
130 Peachtree St. SW, Ste 2186  
Atlanta, Georgia 30303

Re: SEB Case No. 2022-109

Dear Fulton County Board of Elections;

On February 13, 2024, the State Election Board considered the complaint listed above. As a respondent, you were sent a notice of the meeting on January 16, 2024. At the meeting, the State Election Board reviewed the facts developed in the investigation of this matter. The State Election Board found that you failed to upload and tabulate election results in their entirety, following the May 24, 2022, general election primary. As such, incomplete results were certified and subsequently reported to the Secretary of State's Office.

Georgia Election Law, O.C.G.A. § 21-2-420(a) provides: "... The election superintendent shall then ensure that such ballots are processed, counted, and tabulated as soon as possible and shall not cease such count and tabulation until all such ballots are counted and tabulated."

State Election Board Rule 183-1-12-.12(b) provides:

"4. The election superintendent shall ensure all properly cast ballots that are received by the deadline to receive ballots are processed, verified, and tabulated as soon as possible and shall not cease such count and tabulation until all such ballots are counted and tabulated.


7. The election superintendent or his or her designee shall then insert the memory card into the election management system computer and transfer the vote totals from the memory card into the election management system for official tabulation and consolidation.

8. After transferring all of the vote totals from the memory cards to the election management system and consolidating such totals with the totals from the absentee ballot system and such votes from any provisional ballots which have been found by the registrars to be authorized pursuant to O.C.G.A. § 21-2-419, the election superintendent shall prepare the official consolidated returns for the primary, election, or runoff."

Based on the facts found at the meeting, the State Election Board determined that you violated O.C.G.A § 21-2-420(a) and State Election Board Rule 183-1-12-.12(b) by failing to upload and tabulate election results in their entirety, following the May 24, 2022, general election primary. As such, incomplete results were certified and subsequently reported to the Secretary of State's Office

Having found these violations, the State Election Board directed that this letter of findings and reprimand be sent to you. This case is now closed, and no further action will be taken. You are hereby instructed to refrain from further violations of the O.C.G.A § 21-2-420(a) and State Election Board Rule 183-1-12-.12(b) and are admonished to comply with all of the State Election Board rules and Georgia law relating to elections conducted in the State of Georgia.

Sincerely,

  
\_\_\_\_\_  
John Fervier  
Chairman, State Election Board

June 27, 2023

**VIA CERTIFIED MAIL AND E-MAIL**  
**RETURN-RECEIPT REQUESTED**

Fulton County Board of Registration & Elections  
130 Peachtree St. SW Suite 2186 F  
Atlanta, GA 30303

Re: SEB Case No. 2020-140

Dear Fulton County Board of Registration & Elections:

On June 20, 2023 the State Election Board considered the complaint listed above.

At the meeting, the State Election Board reviewed the facts developed in the investigation of this matter. The State Election Board found that Fulton County Asst. Elections Director Dwight Brower signed off on the ballot build project. Director Brower also advised the ballot builder was provided the correct ballot combination for the project and the submission was made/occurred post ballot proofing to create more polls. Approximately (94) voters received a ballot with the incorrect congressional district.

Georgia Election Law, O.C.G.A § 21-2-293(a) provides: “If the election superintendent discovers that a mistake or omission has occurred in the printing of official ballots or in the programming of the display of the official ballot on DRE voting equipment or electronic ballot markers for any primary or election, the superintendent is authorized on his or her own motion to take such steps as necessary to correct such mistake or omission if the superintendent determines that such correction is feasible and practicable under the circumstances; provided, however, that the superintendent gives at least 24 hours' notice to the Secretary of State and any affected candidates of the mistake or omission prior to making such correction.”

Based on the facts found at the meeting, the State Election Board determined that you violated O.C.G.A § 21-2-293(a) by signing off on a ballot build project with errors present, resulting in approximately 94 voters receiving incorrect ballots. Having found this violation, the State Election Board directed that this letter of findings and instructions be sent to you.

This case is now closed, and no further action will be taken. You are hereby instructed to refrain from further violations of O.C.G.A § 21-2-293(a) and are admonished to comply with all of the State Election Board rules and Georgia law relating to elections conducted in the State of Georgia.

Sincerely,

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William S. Duffey Jr.,  
Chair, State Election Board



## State Election Board

April 25, 2024

**VIA CERTIFIED MAIL**  
**RETURN-RECEIPT REQUESTED**

Fulton County Board of Registration and Elections  
130 Peachtree St SW Suite 2186  
Atlanta, Ga. 30303

Re: SEB Case No. SEB2021-084

Dear Fulton County Board of Registration and Elections:

On December 19, 2023 the State Election Board considered the complaint listed above. As a respondent, you were sent a notice of the meeting on November 16, 2023.

At the meeting, the State Election Board reviewed the facts developed in the investigation of this matter. The State Election Board found that you counted a spoiled ballot as a valid ballot.

Georgia State Election Board Rule 183-1-14-.06(2) provides: "Upon receipt of an absentee ballot upon which the word "Spoiled" has been written across the face of the envelope, a registrar or absentee ballot clerk shall write the day and hour of the receipt of the ballot on its envelope. The registrar or absentee ballot clerk shall, within two days after the receipt of such ballot, mail or issue another official absentee ballot to the elector. All returned spoiled ballots shall be safely kept unopened by the board or absentee ballot clerk and then transferred to the appropriate clerk for storage for the period of time required for the preservation of ballots used at the primary or election and shall then, without being opened, be destroyed in like manner as the used ballots of the primary or election."

Based on the facts found at the meeting, the State Election Board determined that you violated Georgia State Election Board Rule 183-1-14-.06(2) when you counted a spoiled ballot as a valid ballot. Having found this violation, the State Election Board directed that this letter of findings and instructions be sent to you.

This case is now closed, and no further action will be taken. You are hereby instructed to refrain from further violations of Georgia State Election Board Rule 183-1-14-.06(2) and are admonished to comply with all of the State Election Board rules and Georgia law relating to elections conducted in the State of Georgia.

Sincerely,

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T. Matthew Mashburn  
Acting Chair, State Election Board



## The Office of Secretary of State

*Brad Raffensperger*  
SECRETARY OF STATE

*Sarah Beck*  
DEPUTY GENERAL COUNSEL

**VIA CERTIFIED MAIL**  
**RETURN-RECEIPT REQUESTED**

Richard Barron  
Fulton County Board of Elections and Registration  
130 Peachtree St SW Suite 2186F  
Atlanta, GA 30303

Re: SEB Case No. 2020-098

Dear Richard Barron:

You are receiving this letter because the State Election Board found at its Wednesday, August 18, 2021 meeting that you, in your capacity as Election Supervisor, violated Official Code of Georgia Annotated (O.C.G.A.) §21-2-414(a)(1) during the September 2020 Georgia Fifth Congressional District Special Election. Specifically, Official Code of Georgia Annotated (O.C.G.A.) §21-2-414(a)(1) states the following:

(a) No person shall solicit votes in any manner or by any means or method, nor shall any person distribute or display any campaign literature, newspaper, booklet, pamphlet, card, sign, paraphernalia, or any other written or printed matter of any kind, nor shall any person solicit signatures for any petition or conduct any exit poll or public opinion poll with voters on any day in which ballots are being cast:

(1) Within 150 feet of the outer edge of any building within which a polling place is established;

During the September 2020 Georgia Fifth Congressional District Special Election, a violation of (O.C.G.A.) §21-2-414(a)(1) occurred when candidates signs were allowed to be posted less than 150 feet from the boundary established by law.

No further action will be taken, and this case is now closed. You are hereby instructed to refrain from further violations of the Georgia Elections Code and the State of Georgia Election Board Rules.

Sincerely,

**Sarah Beck**  
*Deputy General Counsel*  
*Georgia Secretary of State*

**BEFORE THE STATE ELECTION BOARD  
STATE OF GEORGIA**

In the matter of:

**FULTON COUNTY BOARD OF  
REGISTRATION AND  
ELECTIONS,**

Respondent.

**SEB Case 2021-181  
2022-025  
Fulton County**

**CONSENT ORDER**

The State Election Board, by and through counsel, and the Fulton County Board of Registration and Elections ("Respondent"), hereby enter into the following Consent Order for use in SEB Case Nos. 2021-181 and 2022-025 before the State Election Board in lieu of an evidentiary hearing.

**FINDINGS OF FACT and CONCLUSIONS OF LAW**

The findings of fact and conclusions of law set forth in the following Paragraphs 1 through 5 have been asserted against Respondent.<sup>1</sup> Respondent denies any willful misconduct but desire that the above-captioned case be resolved in its entirety in order to avoid further litigation. Respondent acknowledges that there is evidence of a *prima facie* case supporting the following assertions and enters into this negotiated Consent Order to resolve the issues that arose related to the 2020 General Election in Fulton County, Georgia.

1.

A complaint was submitted to the State Election Board and the Secretary of State's office regarding the risk-limiting audit conducted by Fulton County elections officials for the General

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<sup>1</sup> SEB Case 2021-181 also names Richard Barron as an additional Respondent. Mr. Barron is no longer the Elections Director for Fulton County, and he is hereby dismissed.



Election held on November 3, 2020.<sup>2</sup>

2.

The complainant alleged that there were 36 inconsistencies discovered in the batch tally sheets for the risk-limiting audit conducted following the 2020 General Election, which were included in the data uploaded to the Secretary of State's website.

3.

A thorough investigation into the complaints was conducted by the Secretary of State's investigations division. Investigators met with the complainant, reviewed all of the data and documentation submitted by the complainant, and interviewed other relevant witnesses with knowledge. The results of the investigation showed that Fulton County elections staff misidentified and duplicated audit batch sheet data when entering the data into the Arlo software used by the Secretary of State's office to manage the risk-limiting audit.

4.

By failing to enter all of the audit batch sheet data accurately, Respondent violated SEB Rule 183-1-15-.04 regarding audits. The investigators further concluded that the reported inconsistencies were the result of human error in entering the data, which were not discovered in time to make corrections due to time limitations in completing the risk-limiting audit and the sheer amount of ballots, and not due to intentional misconduct by Fulton County elections staff.

5.

The discovered errors were a fractional number of the total votes counted and did not

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<sup>2</sup> The State Election Board heard the recommendation of the investigators regarding SEB Case No. 2021-181 at the March 16, 2022 Board meeting and voted to bind the case over to the Attorney General's office. On March 31, 2022, an additional complaint was received and designated as SEB Case No. 2022-025. The Secretary of State's investigators determined that SEB Case No. 2022-025 is the same complaint that is at issue in SEB Case No. 2021-181. This Consent Order resolves the allegations against Respondent in both SEB Case Nos. 2021-181 and 2022-025.

affect the result of the 2020 General Election Fulton County, which were confirmed as accurate by the risk-limiting audit. The purpose of the risk-limiting audit was to confirm whether the results of the original tabulation of ballots were accurate, which the audit confirmed.

### ORDER

1.

This Consent Order addresses and resolves all matters regarding Respondent in connection with SEB Case Nos. 2021-181 and 2022-025.

2.

The State Election Board, having considered the particular facts and circumstances of this case, inclusive of the within and foregoing Findings of Fact and Conclusions of Law, hereby ORDERS that Respondent cease and desist from further violations of the Election Code.

3.

Respondent hereby agrees to implement written policies and procedures for risk-limiting audits for all elections for which risk-limiting audits are required under SEB Rule 183-1-15-.04, which are attached as **Exhibit A**. Respondent hereby certifies to the State Election Board that it has already implemented these policies and procedures and did so for the 2022 General Election.

4.

Respondent agrees to adequately train all of its elections staff involved in conducting the risk-limiting audit on the policies and procedures in advance of each election.

5.

Members of the Fulton County Board of Registration and Elections have been provided with a copy of this Consent Order and have acknowledged that they understand the contents. Respondent understands that it has a right to a hearing in this matter. Respondent knowingly and voluntarily waives such right to a hearing, as well as any other rights under the Georgia

Administrative Procedure Act pertaining to notice and hearing for contested cases, by entering into this Consent Order.

6.

This Consent Order is entered in settlement of disputed matters, and the Consent Order entered herein is not to be construed as an admission of guilt or liability on the part of Respondent but is entered herein to resolve this State Election Board case. This Consent Order is a civil settlement and has no criminal ramifications.

7.

This Consent Order, inclusive of its Stipulations and Order, shall not become effective unless and until approved by the State Election Board at its June 8, 2023, meeting, and the State Board of Elections. If not approved by and executed on behalf of either board, , neither the stipulations nor any other part of this agreement shall have any binding legal effect whatsoever and shall not constitute an admission against interest or prejudice the ability of either the State Election Board or Respondents to adjudicate this matter.

This 8 day of June, 2023.

Consented to:

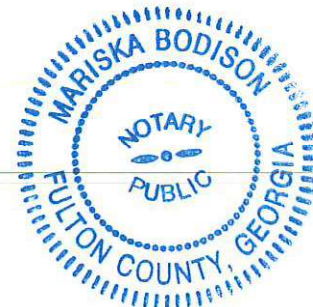
FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS

BY: Glenn M. Woolan

Sworn to and subscribed  
before me this 8 day  
of June, 2023.

Mariska Bodison  
NOTARY PUBLIC

My commission expires: March 22, 2027



Approved by the State Election Board this 21<sup>st</sup> day of June, 2023.

STATE ELECTION BOARD

BY: William S. Duffey, Jr.  
WILLIAM S. DUFFEY, JR.  
CHAIRPERSON

# Exhibit A



**THE DEPARTMENT OF FULTON COUNTY REGISTRATION & ELECTIONS  
FOLLOWS THE STANDARD OPERATION PROCEDURES OUTLINED BELOW BY  
THE GEORGIA SECRETARY OF STATE IN REGARDS TO CONDUCTING  
RISK LIMITING AUDITS:**

## **Summary of Steps to Complete in Arlo to Prepare for Audit**

*Please note that all counties should review the October 13<sup>th</sup> RLA training, which can be found on Firefly at this location: [Webinars > 2022 Webinars > 10.13.2022 RLA Audit Training](#). **Steps:***

- 1. Sign up for your Arlo account. (You will not need to do this if you already have an account from November)**
  - a. Your county office can have 2 Arlo administrator accounts. Those administrator accounts will be able to create accounts for additional users in your office. Only the 2 administrators will be able to complete submission to the Secretary of State at the end of the audit **If you need to create an account, please email [rla@vx.support](mailto:rla@vx.support).**
- 2. As soon as you certify your results at the county level, generate your Cast Vote Records and Tabulator Status Reports.**
  - a. For instructions on how to generate these reports, review Appendix A.
  - b. Make sure you use the Tabulator Status report that does not have To\_Excel in the file name.
- 3. Upload your Cast Vote Records and Tabulator Status Reports into Arlo.**
  - a. For instructions on how to upload these reports, review pages 1 and 2 of Appendix B.
- 4. Download your Batch Inventory Worksheet and verify the ballot counts in the worksheet. Once you have verified the numbers, confirm that you have completed the worksheet by checking the appropriate box in Arlo. Then hit "Continue."**
  - a. Review pages 2 and 3 of Appendix B for more information.
- 5. Based on the data you provide, Arlo will generate 2 files: 1. Ballot Manifest; and 2. Candidate Totals by Batch. Download both files, and save them so you can easily access the files.**
  - a. Review page 4 of Appendix B for more information.
- 6. After you click, "Return to Audit Source Data," scroll down to the Ballot Manifest and Candidate Totals by Batch sections. Upload the Ballot Manifest file that you just saved, and then upload the Candidate Totals by Batch file that you just saved.**
- 7. Wait for your random batch selections to appear in Arlo. The dice roll will be held in the State Capitol on Tuesday, December 13, 2022 in the morning and batch selections should appear in Arlo after 5:00 P.M. for you to download.**
- 8. Participating counties will complete the audit by 5:00 P.M. on Thursday, December 15, 2022.**

# BALLOT INVENTORY TOOL WHAT YOU WILL GENERATE

## APPENDIX A - PAGE 1 OF 5

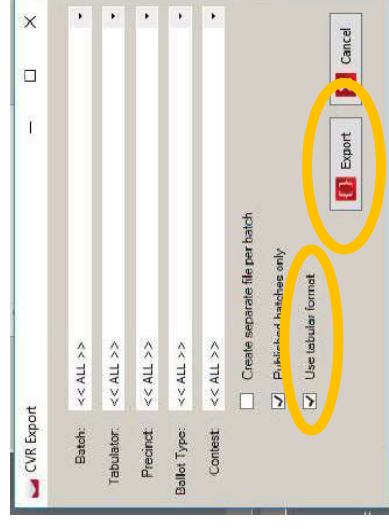
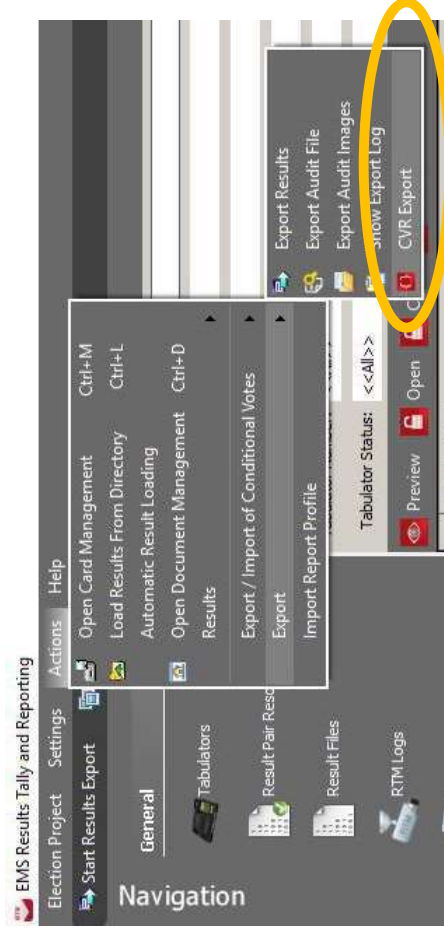
- **Cast Vote Records**
  - This report lists every ballot scanned during the entire election along with how the voting system recorded the voter's selections.
  - You will check the tabular format option in order to export the file as a CSV.
  - This is the same as the file type that you generate in response to Open Records Requests.
- **Tabulator Status Report**
  - This report lists every tabulator contained in your database along with how many ballots were recorded by that tabulator.
  - Any tabulators with uploaded results will have a "Load Status" of 1.
  - Any tabulators with a "Load Status" of 0 either were not uploaded or were never downloaded and used.
    - *Remember that it is up to you to ensure that all your votes have been uploaded to the RTR System – the system will not check that for you.*



# BALLOT INVENTORY TOOL APPENDIX A - PAGE 2 OF 5

## GENERATE CAST VOTE RECORD AS CSV

1. From the RTR Menu Bar, Select Actions -> Export -> CVR Export
2. Check the “Use tabular format” option
3. Click “Export”
4. A popup will appear to confirm that the Cast Vote Records have been exported.  
Click Close.





# BALLOT INVENTORY TOOL      APPENDIX A - PAGE 3 OF 5

## GENERATE TABULATOR STATUS REPORT

1. Select “Basic” from the Reports section of the left-hand menu in the RTR.
2. Select “Tabulator Status” from the Report Name drop down menu.
3. Click “Create Report”
4. A popup will appear to confirm that the Requested Reports have been created.

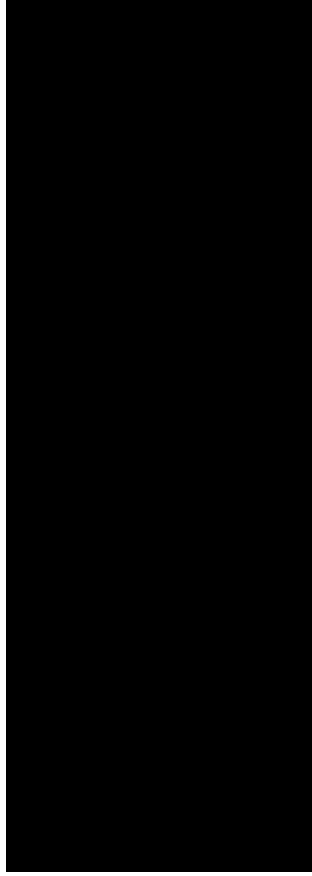
The image shows two screenshots of the Ballot Inventory Tool interface. The top screenshot displays the 'Reports' menu on the left-hand side, with the 'Basic' report selected and highlighted by a yellow circle. The bottom screenshot shows the 'Report Group - Basic' configuration screen. In this screen, the 'Report Name' dropdown menu is set to 'Tabulator Status', which is also highlighted by a yellow circle. The 'Create Report' button at the bottom left is highlighted by a red circle. Other visible elements include the 'Counting Group' dropdown set to '<All>', 'Polling Location' set to '<Any>', 'Contests' set to '<All>', and various checkboxes for 'Standard Title' and 'Report Filters'.



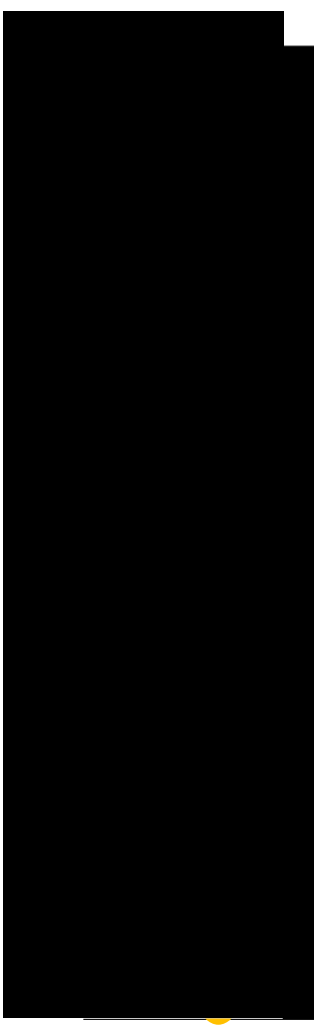
## BALLOT INVENTORY TOOL COPY CVR TO USB DRIVE

## APPENDIX A - PAGE 4 OF 5

1. Navigate to the current election directory in your NAS folder.
2. Open the Results folder.
3. Copy the CVR\_Export file to a USB Drive.



10/11/2022 09:31 File folder



# BALLOT INVENTORY TOOL

## APPENDIX A - PAGE 5 OF 5

### COPY TABULATOR STATUS REPORT TO USB DRIVE

1. Open the Reports folder.
2. Open the Filtered folder.
3. Copy the Tabulator Status Report to the same USB Drive.

*Note: You need to copy the version that says "XML Document" next to the file name.*

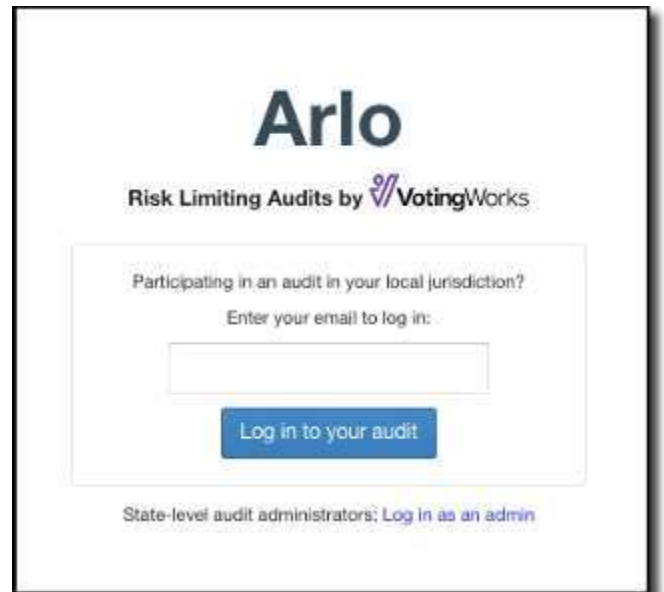


# APPENDIX B - PAGE 1 OF 4

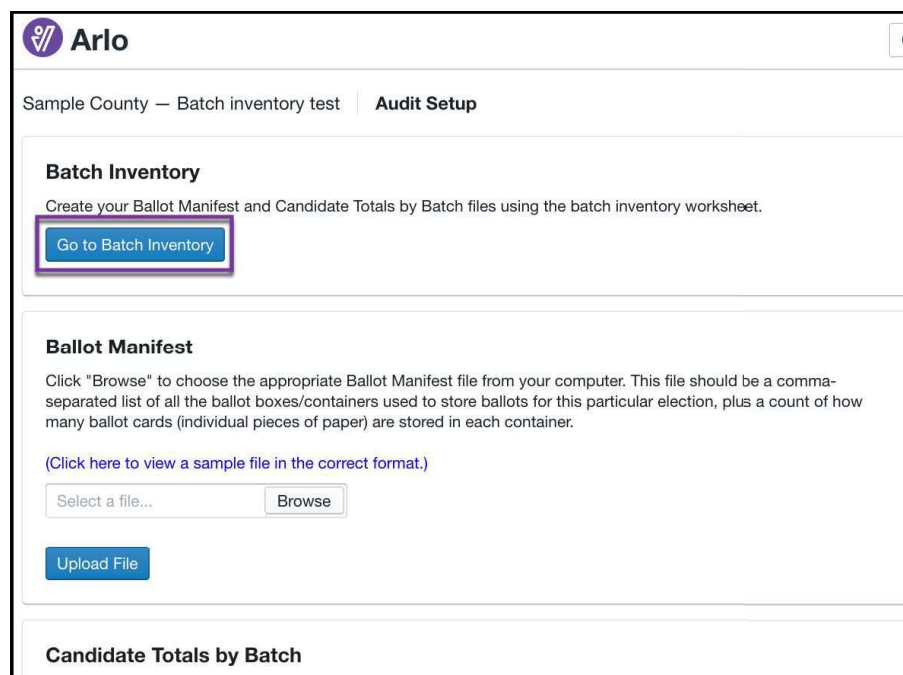
## Georgia Batch Inventory Tool Guide

The Batch Inventory in Arlo, allows counties a quick inventory list to use to verify their stored batch inventory prior to the start of an audit.

To use this tool, simply [log in to Arlo](#) as you would for an audit by entering your email address in the box and selecting Log in to your audit. A code will be sent to your email address to be used as your login credential.

The image shows the Arlo login interface. At the top is the 'Arlo' logo in a large, bold, dark blue font. Below it, in a smaller font, is 'Risk Limiting Audits by VotingWorks', with the VotingWorks logo to the right. The main content area is a light gray box with a white background. It contains the text 'Participating in an audit in your local jurisdiction?' followed by 'Enter your email to log in:'. Below this is a white rectangular input field for an email address. Underneath the input field is a blue button with the text 'Log in to your audit' in white. At the bottom of the light gray box, there is a link that says 'State-level audit administrators: Log in as an admin'.

Next, select Go to Batch Inventory.

The image shows the 'Batch Inventory' section of the Arlo application. The top navigation bar includes the Arlo logo and the text 'Sample County — Batch inventory test | Audit Setup'. The main heading is 'Batch Inventory'. Below it is a sub-heading 'Create your Ballot Manifest and Candidate Totals by Batch files using the batch inventory worksheet.' A blue button labeled 'Go to Batch Inventory' is highlighted with a red rectangle. Below this is the 'Ballot Manifest' section, which includes instructions on how to create a ballot manifest file. A link '(Click here to view a sample file in the correct format.)' is provided. Below the instructions is a file upload area with a 'Select a file...' input field, a 'Browse' button, and an 'Upload File' button. At the bottom of the page is the 'Candidate Totals by Batch' section.

# APPENDIX B - PAGE 2 OF 4

Upload your Cast Vote Records (CVRs) and Tabulator Status file by selecting the Browse button and locating the file saved from your Election Management System (EMS) and then selecting Upload for each file. Then select Continue in the lower right corner.

**Note:** The tabulator status file must be the .xml file that does **not** have “to Excel” in the file name.

The screenshot shows the 'Batch Inventory' screen in the Arlo system. At the top, there's a progress bar with three steps: '1 Upload Election Results', '2 Inventory Batches', and '3 Download Audit Files'. The 'Inventory Batches' step is currently active. Below the progress bar, there are two main sections: 'Cast Vote Records (CVR)' and 'Tabulator Status'. In the 'CVR' section, a text box contains 'test-cvr.csv', and there are 'Browse' and 'Upload' buttons. In the 'Tabulator Status' section, there's a 'Select a file...' text box, and 'Browse' and 'Upload' buttons. At the bottom right, there is a 'Continue' button. Numbered callouts (1-5) highlight the 'Browse' button for CVR (1), the 'Upload' button for CVR (2), the 'Browse' button for Tabulator Status (3), the 'Upload' button for Tabulator Status (4), and the 'Continue' button (5).

Your Batch Inventory Worksheet will be created and can be downloaded by selecting the Download Batch Inventory Worksheet button in the middle of the screen.

This screenshot shows the 'Batch Inventory' screen after the upload process. The progress bar now shows '1 Upload Election Results' as complete (with a checkmark) and '2 Inventory Batches' as the current step. The 'Download Batch Inventory Worksheet' button is highlighted with a red box. Below this button, there is a checkbox labeled 'I have completed the batch inventory worksheet.' At the bottom of the screen, there are 'Back' and 'Continue' buttons.

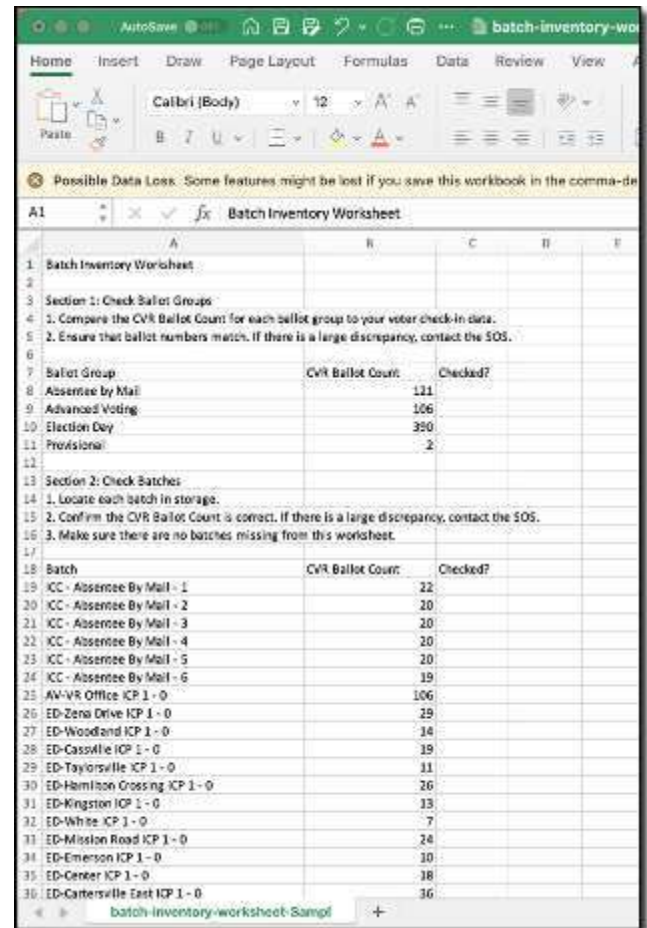
# APPENDIX B - PAGE 3 OF 4

The Ballot Inventory Worksheet is a .csv file that can be opened and printed in a spreadsheet program like Excel and Google Sheets. *Each section of the worksheet should be reviewed carefully and compared to voter check-in data and your physical inventory.*

**Section 1** provides totals for each ballot group type, including Absentee by Mail, Advanced Voting, Election Day, and Provisional. Verify these totals match your known voter totals.

**Section 2** provides total ballots by batch. Verify each batch is present in your physical inventory and matches your reconciliation form counts. Verify no batches are missing.

*If batches are missing, they should be added to your EMS and a new CVR file should be downloaded from the EMS and uploaded into Arlo. If batches are stored differently, please contact us for further instruction.*

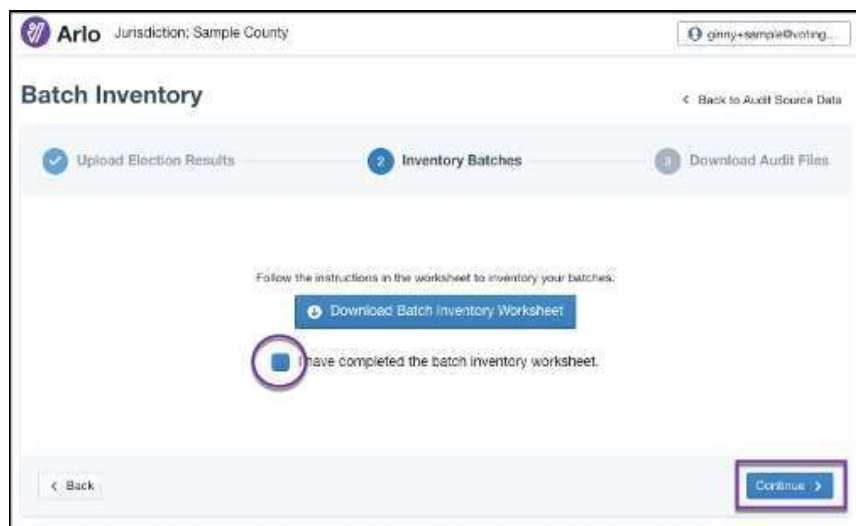


Ballot Group	CVR Ballot Count	Checked?
Absentee by Mail	121	
Advanced Voting	106	
Election Day	350	
Provisional	2	

Batch	CVR Ballot Count	Checked?
ICC - Absentee By Mail - 1	22	
ICC - Absentee By Mail - 2	20	
ICC - Absentee By Mail - 3	20	
ICC - Absentee By Mail - 4	20	
ICC - Absentee By Mail - 5	20	
ICC - Absentee By Mail - 6	19	
AV-VR Office ICP 1 - 0	106	
ED-Zena Drive ICP 1 - 0	19	
ED-Woodland ICP 1 - 0	14	
ED-Cassville ICP 1 - 0	19	
ED-Taylorsville ICP 1 - 0	11	
ED-Hamilton Crossing ICP 1 - 0	26	
ED-Kingston ICP 1 - 0	13	
ED-White ICP 1 - 0	7	
ED-Mission Road ICP 1 - 0	24	
ED-Emerson ICP 1 - 0	10	
ED-Center ICP 1 - 0	18	
ED-Cartersville East ICP 1 - 0	36	

Once all batches have been confirmed, log back into Arlo and mark the I have completed the batch inventory worksheet box and select Continue.



Arlo Jurisdiction: Sample County

Batch Inventory

Upload Election Results Inventory Batches Download Audit Files

Follow the instructions in the worksheet to inventory your batches.

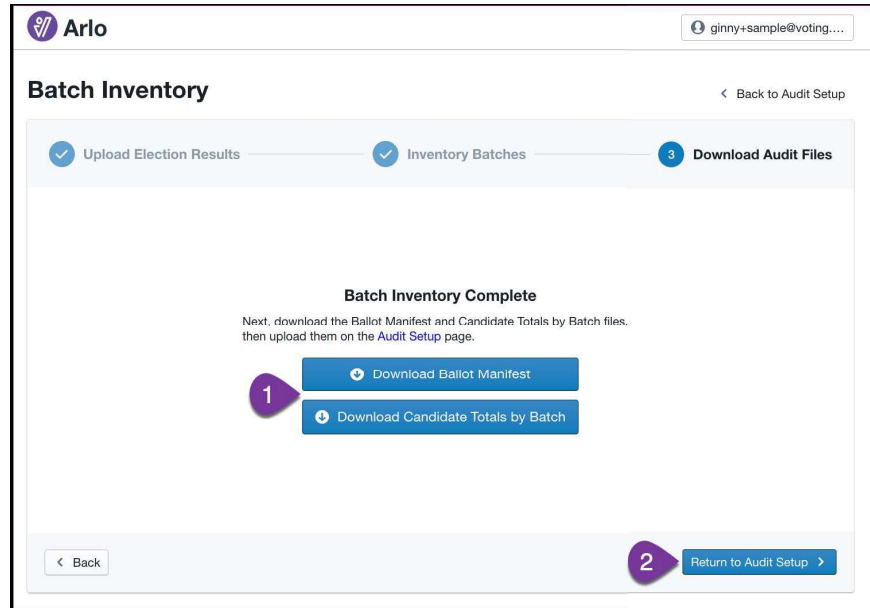
Download Batch Inventory Worksheet

☐ I have completed the batch inventory worksheet.

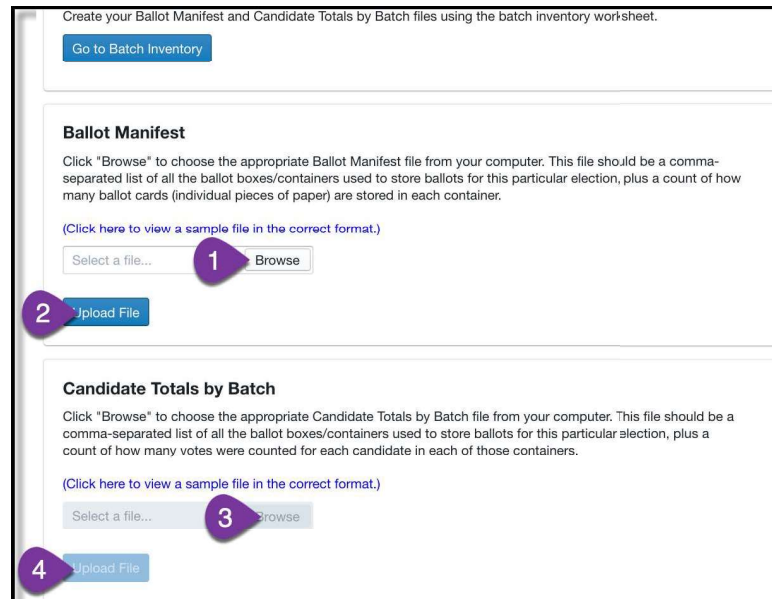
Back Continue

# APPENDIX B - PAGE 4 OF 4

The tool will generate your Ballot Manifest and Candidate Totals by Batch files for the audit. Simply download each file and select Return to Audit Setup.



Then upload each file into Arlo for the audit by selecting the Browse button and locating the file saved on your computer and then selecting Upload for each file.



Your pre-audit files are now uploaded and are ready for the audit to be launched by the Department of State.